



PATENT  
514412-2025.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**


Applicants : M. DeBeuckeleer  
Serial No. : 09/758,987  
Filed : January 11, 2001  
For : METHODS AND KITS FOR IDENTIFYING ELITE  
EVENT GAT-ZM1 IN BIOLOGICAL SAMPLES  
Examiner : J. Souaya Sitton  
Group Art Unit : 1634

745 Fifth Avenue  
New York, New York 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Issue Fee Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on the date shown below.

Marilyn Matthes Brogan, Reg. No. 31,223  
Anne-Marie C. Yvon, Reg. No. 52,390

\_\_\_\_\_  
Name of Applicant, Assignee or Registered Representative

  
\_\_\_\_\_  
Signature

June 3, 2005

\_\_\_\_\_  
Date of Signature

**COMMUNICATION FORWARDING TERMINAL DISCLAIMER AND ISSUE FEE**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

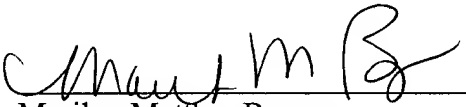
Applicant respectfully requests that the attached Terminal Disclaimer replace the Terminal Disclaimer that was filed on January 26, 2005. The Terminal Disclaimer filed on January 26, 2005 listed the assignee of the application as Bayer CropScience GmbH; however, the correct assignee of this application is Bayer BrioScience N.V. The attached Terminal Disclaimer serves to correct this mistake.

Also attached is the PTOL-085 Form along with payment of the Issue Fee due on June 3, 2005.

If there are any additional fees associated with this procedure, please charge them to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
Marilyn Matthes Brogan  
Reg. No. 31,223

Anne-Marie C. Yvon, Ph.D.  
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(212) 588-0800



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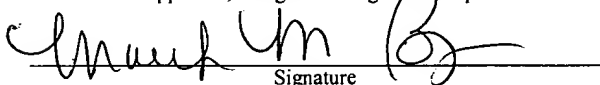
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Name of Applicant, Assignee or Registered Representative

  
\_\_\_\_\_  
Signature

June 3, 2005

\_\_\_\_\_  
Date of Signature

**TERMINAL DISCLAIMER**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This filed with an Issue Fee payment.

I, Marilyn Matthes Brogan, declare that I am an attorney of record and that I am  
authorized to execute terminal disclaimers on behalf of Aventis CropScience N.V. ("Aventis"),  
the assignee of the above-captioned application ("the present application") and of U.S. Patent  
No. 6,395,485 ("the '485 patent"), now Bayer BioScience N.V. ("Bayer");

That Aventis is the assignee of the entire right, title and interest in, to and under the  
present application, U.S. application Serial No. 09/758,987, as a continuation of U.S. application

Serial No. 09/481,049, filed on January 11, 2000, now U.S. Patent No. 6,395,485, by virtue of the assignment from the inventors to Aventis, recorded at the U.S. Patent and Trademark Office on May 9, 2000, and set out at Reel 010778 and Frame 0739;

That Aventis underwent a Change of Name to Bayer CropScience N.V. and then from Bayer CropScience N.V. to Bayer BioScience N.V. (copy of documents attached);

That Bayer has a place of business at Technologiepark 38, B-9052, Gent, Belgium;

That Bayer hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of the '485 patent;

That Bayer hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '485 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '485 patent, in the event that the '485 patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignee, states that Aventis, is the assignee of the entire right, title and interest in the patent and patent application identified above (the '485 patent and the present application) by virtue of the assignment identified above, and that Aventis is now Bayer;

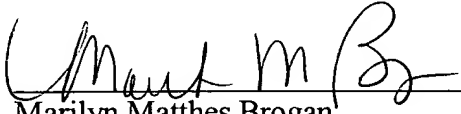
And thus, that the undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

Entry and recordation of this Terminal Disclaimer are requested. Any fee can be charged to Deposit Account No. 50-0320.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
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Reg. No. 31,223

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